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Section Updated: Section I, II, IV, V, VI, VII, IC and Appendix I, II

Import requirements of U.S. origin beef have been updated and biotech labeling requirements have been updated. Ministry restructuring has been reflected.

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Disclaimer

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Seoul, Korea for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

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Section I. Food Laws

Korea is dependent on imported food, which accounts for over 70 percent of total food consumption. Nevertheless, Korean consumers are generally very sensitive to food safety issues, especially concerning imported foods. They tend to get their information through the media and trust it in spite of the fact that is often inaccurate. Once a “food scare” rumor gets publicity, that food is affected and its reputation is quickly damaged. Due to repeated food related incidents with imported products, Korean consumers consider imported food as inferior to domestically produced products regardless of the country of origin. Thus, vocal consumer groups have strongly requested that regulatory agencies strengthen the import inspection process. Reactions such as these make for a less friendly environment for imported food. Despite this, imported food is widely consumed by consumers.

Under the Korean legal framework, an Act, legislated by the National Assembly gives the legal basis for relevant legislations and enforcement regulations. Under an Act, a Presidential Decree and a Ministerial Ordinance are established to implement the Act. Under those legislations, enforcement regulations set by the enforcement agency, such as notices and guidelines provide more detailed standards and regulations to guide related businesses. Enforcement regulations include the Food Code, the Food Additive, and Labeling Guidelines for Food.

All changes proposed in an Act, legislation, and enforcement guidelines are published in the government gazette for public comments. At the same time, changes which have trade implications are notified to the WTO for international comments.

Following are the responsibilities of major ministries and agencies involved with the Korean food system along with a brief description of relevant food laws.

A. Ministry for Health, Welfare, and Family Affairs:

The Ministry for Health, Welfare, and Family Affairs (MHWF) holds authority to legislate changes to the Food Sanitation Act and the Functional Food Act and their implementing Presidential Decree and Ministerial Ordinance.

1. Food Sanitation Act

The Food Sanitation Act is the legal basis for the food safety-related work conducted by MHW and the Korea Food & Drug Administration (KFDA).

2. Presidential Decree to the Food Sanitation Act

The Presidential Decree establishes provisions to implement the Food Sanitation Act. The decree provides more defined guidance on interpretation and implementation of the Food Sanitation Act.

3. Ministerial Ordinance to the Food Sanitation Act

The Ministerial Ordinance to the Food Sanitation Act prescribes more detailed guidance on how the Food Sanitation Act and Presidential Decree are to be implemented. This ordinance provides the nuts and bolts for conducting food related business in Korea, including the relevant penalties for compliance failure. The Ordinance also includes samples of the various types of forms needed in conducting food related business, including food imports.

4. Functional Food Act

The Functional Food Act is the legal basis for MHWF and KFDA oversight of functional foods (health foods & nutritional supplements).

5. Presidential Decree to the Functional Food Act

The Presidential Decree establishes provisions to implement matters regulated by the Functional Food Act.

6. Ministerial Ordinance to the Functional Food Act

The Ministerial Ordinance prescribes more detailed guidance on how the Functional Food Act and its Presidential Decree are to be implemented. This ordinance includes inspection of imported functional food, penalties for violations, applications for import inspection, advertisements, etc. Other more detailed standards and regulations guiding functional food-related business in Korea are provided in the form of the Functional Food Code, Guidelines for Labeling of Functional Food, Guidelines for the Advertisement of Functional Food, relevant notices, etc. These detailed standards and regulations are the responsibility of KFDA.

B. Korea Food & Drug Administration:

KFDA is the principle government agency charged with ensuring that foods are safe, sound, wholesome and correctly labeled. KFDA is also responsible for ensuring that medicines are safe, effective, and that side effects are properly noted. Except for 102 meat, poultry and dairy products (which are regulated by the Ministry of Agriculture & Forestry per the Livestock Product Processing Control Act), KFDA is responsible for setting and implementing standards and specifications for food in general, functional foods, food additives, food packaging, containers and equipment. KFDA standards and specifications apply both to domestically produced and imported food products. Specific to imported food products, KFDA inspects products under provisions provided in the "Inspection Guidelines for Imported Food, etc." KFDA provides this guideline in Korean on its website: <http://www.kfda.go.kr>.

KFDA also sets and implements regulations governing safety evaluations of agricultural products enhanced through biotechnology (GMO) and GMO labeling requirements for processed food products manufactured using GMO ingredients. Moreover, KFDA establishes the Korean Hazard Analysis of Critical Control Point (HACCP) and recall systems for food products (excluding meat, poultry, egg and dairy products). KFDA also regulates non-food-related products, including cosmetics, vaccines, blood products, medical devices and radiation-emitting products.

To support its science-based regulatory decisions, KFDA oversees the National Institute of Toxicological Research, which utilizes in vitro and in vivo analytical methods focused on the research and development of effective testing methods. In KFDA, the Food Headquarters and the Nutrition & Functional Food Headquarters, encompassing four teams respectively and the Food Safety Evaluation Department and the Risk Management Bureau are dedicated exclusively to food-related issues. KFDA headquarters also oversees six regional KFDA offices. KFDA publishes its food-related regulations, including the Food Code, Food Additive Code, Labeling Standards for Food, Labeling Standards for Recombinant Food, Guidelines for Safety Assessment for Recombinant Food, functional food regulations, etc., on its website: <http://www.kfda.go.kr>.

1. Food Code

The Food Code stipulates standards and specifications for manufacturing, processing, usage, cooking, storage of food and equipment, containers and packaging for food products. It specifies the standards for maximum residue levels of agricultural chemicals, antibiotics, synthetic antibiotics, hormones, radioactive ray standards, testing methods, etc. The Food Code contains general standards and specifications governing food products and individual standards and specifications.

2. Food Additive Code

The Food Additive Code defines standard specifications for individual food additives and usage standards. See Section IV for details.

3. Labeling Standards for Food.

"Labeling Standards for Food" provides guidance on how to meet KFDA's Korean language labeling requirements for imported food products. See Section II for details.

4. Labeling Standards for Recombinant Food (i.e., labeling standards for processed food products containing ingredients enhanced through biotechnology)

This provides standards required for labeling of processed food products containing corn, soybeans, cotton, canola, and sugar beets with 3 percent or higher GMO content. See Section II for details.

5. Functional Food Code

The Functional Food Code contains general standards and specifications governing functional foods, and individual standards and specifications for functional food categories. A functional food that meets the criteria of one of defined categories is permitted to carry a health efficacy claim. Anyone wishing to export a functional food that is not one of categories specified in the Code can apply to KFDA for:

1) recognition of raw materials that have specific health effects (efficacy); and, 2) recognition as health functional food. Details about recognition procedures, required documents, etc., are provided on the KFDA website at www.kfda.go.kr in Korean.

C. Ministry for Food, Agriculture, Forestry and Fisheries:

The Ministry for Food, Agriculture, Forestry and Fisheries (MFAFF) is responsible for establishing regulations and standards related to agricultural products, including livestock and dairy products. Several agencies within MFAFF are responsible for issuing and enforcing regulations. The National Veterinary Research & Quarantine Service (NVRQS) is responsible for implementing regulations pertaining to both domestic and imported animals and livestock products. The National Plant Quarantine Service (NPQS) is responsible for implementing regulations pertaining to plants. The National Agricultural Product Quality Management Service (NAQS) is responsible for setting quality standards and grades for agricultural products, such as organic standards for agricultural produce, and enforcing country of origin marks and GMO labeling of bulk commodities. In 2000, MFAFF designated NAQS as its official inspection agency for testing of GMO products. The primary role of the Rural Development Administration (RDA) is research and development of new agricultural technologies and extension work. RDA is pro-biotechnology and is actively pursuing GMO research for several products common in the Korean diet. RDA is also conducting

environmental risk assessments of biotech crops. Given its technical expertise, RDA is the technical advisor on MFAFF policy regarding GMO products. In 2008, with government restructuring under the new administration, MFAFF took over the authority over fishery products. Now, MFAFF oversees not only agriculture, livestock, and forestry but also fishery products.

1. National Veterinary Research & Quarantine Service

The National Veterinary Research & Quarantine Service (NVRQS) is responsible for establishing sanitary controls for animal origin products from farm to table. NVRQS is responsible for setting and implementing standards and specifications and labeling requirements for 102 meat, poultry, eggs, and dairy products in accordance with the Livestock Product Processing Control Act. These standards and specifications apply to both domestically produced and imported food products. NVRQS is responsible for operating HACCP and recalls for meat, poultry, eggs and dairy products.

2. National Plant Quarantine Service

The National Plant Quarantine Service (NPQS) is responsible for preventing the introduction of harmful weeds, pests and disease originating from imported plants, fruits and vegetables. NPQS conducts pest risk analysis and determines the appropriate eradication method for detected pests. NPQS sets and enforces quarantine requirements for imported plants, fruits and vegetables.

3. Rural Development Administration

The Rural Development Administration (RDA) is responsible for developing the rural sector and administering policies on research and development, extension service, and training for farmers.

Under RDA there are eight research institutes, and the Korea National Agricultural College. The research institutes include:

National Institute of Agricultural Science and Technology,
National Institute of Agricultural Biotechnology,
National Institute of Agricultural Engineering,
National Institute of Highland Agriculture,
National Institute of Subtropical Agriculture,
National Livestock Research Institute,
National Horticultural Research Institute, and
National Institute of Crop Science

With regard to biotechnology, RDA conducts environmental risk assessments of biotech crops in accordance with the Act on Transboundary Movement, Etc., of Living Modified Organisms (LMO Act). The LMO Act is Korea's enforcement legislation for the Cartagena Protocol on Biosafety. RDA is also developing GMO detection testing methods so that NAQS or NPQS can use when inspecting biotech crops. Rural Development Administration (RDA) including the National Institute of Agricultural Biotechnology (NIAB) is conducting biotech research such as development of biotech crops including rice, potatoes, etc.

4. National Agricultural Product Quality Management Service

The National Agricultural Product Quality Management Service (NAQS) is responsible for setting quality standards and grades for agricultural products, enforcing country of origin

marks, GMO labeling requirements, and organic labeling for fresh fruits, vegetables, and grains in the marketplace, and accrediting certifiers of non-processed organic produce. NAQS is the designated official agency for the inspection of labeling of unprocessed GMO commodities. NAQS collects samples from retail markets and tests products for GMO content with testing methods developed by RDA.

5. Acts, Regulations, Guidelines, etc., Governed by MFAFF or its Agencies

Korean language texts are available on the MFAFF's website: <http://www.mifaff.go.kr>.

(1) Livestock Processing Control Act

This Act specifies requirements for the slaughter and handling of livestock and the processing, distribution and inspection of livestock products. The Act is the legal basis for setting health standards provided in the Livestock Code (excluding antibiotic and pesticide standards for meat, poultry and dairy products which are governed under the Food Sanitation Act).

(2) Presidential Decree to the Livestock Product Processing Control Act

The purpose of the Presidential Decree is to establish which matters will come under the Livestock Product Processing Control Act and how the Act will be enforced.

(3) Ministerial Ordinance to the Livestock Product Processing Control Act

The purpose of the Ministerial Ordinance is to establish which matters will come under the Livestock Product Processing Control Act and the corresponding Presidential Decree, and how the Act and the Decree will be enforced. The ordinance establishes the basics needed to conduct livestock product businesses and the relevant penalties for non-compliance. It also provides samples of forms needed to conduct such businesses.

(4) Livestock Code

The purpose of the Livestock Code is to provide health standards for meat, poultry and dairy products, such as microorganism standards, criteria and standards for livestock products, etc. (excluding antibiotic and pesticide standards which are defined in the Food Code under the Food Sanitation Act).

(5) Import Health Requirements for Various Animals

Live animals and animal products should comply with the standards as specified by the relevant MFAFF provisions issued by the Animal Health Division (AHD). AHD makes regulations and NVRQS enforces them. Korea's health requirements for livestock and products can be found in English on the USDA's [Food Safety & Inspection Service \(FSIS\)](#) website.

(6) Labeling Standards for Livestock Products

This provides the labeling standards for livestock products, containers, equipment, packaging and stamping dyes based on Article 6-1 of the Livestock Processing Control Act for domestic and imported livestock products.

(7) Plant Protection Act

The purpose of the Plant Protection Act is to safeguard agricultural and forestry production by establishing quarantine regulations for imported and domestic plants.

(8) Presidential Decree to the Plant Protection Act

The purpose of the Presidential Decree is to establish which matters will come under the Plant Protection Act and how the Act will be enforced.

(9) Ministerial Ordinance to the Plant Protection Act

The purpose of the Ministerial Ordinance is to establish which matters will come under the Plant Protection Act and the corresponding Presidential Decree, and how the act and Decree will be enforced.

(10) Import Plant Inspection Guideline

The Import Plant Inspection Guideline defines inspection procedures for imported plants and plant materials and establishes specific principles for the inspection and disposition of imported plants.

(11) Agricultural Products Quality Control Act

The Act, passed by the National Assembly in December 1998, includes provisions governing agricultural GMO products and labeling, country of origin marks, geographical indication (GI), trace-back, etc. The Act gives MIFAFF a legal basis for its requirements regarding the labeling of unprocessed GMO commodities for the purpose of providing accurate product information to consumers.

(12) Presidential Decree to the Agricultural Products Quality Control Act

The purpose of this Decree is to establish which matters will come under the Agricultural Products Quality Control Act and how the Act will be enforced.

(13) Guideline for Labeling of Genetically Modified Agricultural Products

The Guideline provides details on labeling requirements for unprocessed GMO commodities, including a list of commodities subject to GMO labeling, labeling methods, etc. See Section II for details.

(14) Sustainable Agriculture Promotion Act

The purpose of the Act is to promote environmentally sustainable "organic" agriculture by introducing production methods and techniques to protect the environment, by reducing environmental pollution related to agriculture, and by encouraging the adoption of sustainable agriculture.

(15) Presidential Decree to the Sustainable Agricultural Promotion Act

The purpose of the Presidential Decree is to establish which matters will come under the Sustainable Agricultural Promotion Act and how the Act will be enforced.

(16) Ministerial Ordinance to the Sustainable Agricultural Promotion Act

It establishes quality control standards for four types of sustainable agricultural produce: organic produce, no-pesticide produce, and low-pesticide produce. This Ordinance also establishes requirements for organic certifying agents, certification, etc.

(17) Guideline for Country of Origin (COO) for Agricultural Products

This guideline provides COO labeling requirements for domestic agricultural products and raw materials used in domestically processed agricultural products. COO labeling of imported agricultural products is required under Article 53 of the Presidential Decree of the Foreign Trade Act.

(18) Seed Industry Act

The Act, implemented December 31, 1997 and revised January 26, 2001, brought Korea into compliance with its WTO Trade Related Aspects of Intellectual Property Rights (TRIPS) and OECD commitments related to the trade of planting seeds. The focus of the Act is the protection of intellectual property rights. The Act did not liberalize imports of major staple crop seeds.

The Seed Industry Act combined provisions of the Seedling Management Act, which governed vegetable seeds, and the Major Agricultural Seed Act, which governed major field crop seeds.

(19) Food Industry Promotion Act

The purpose of this Act is to promote the development of the food industry and to improve its competitiveness by ensuring a stable supply of quality agricultural goods for the domestic industry. This Act is the legal basis for MIFAFF's organic certification program for processed food products and certification programs for quality food products. Please see page 17 for the newly introduced organic certification program for processed food products.

(20) Quality Control of Fishery Products Act

The purpose of this Act is to increase fishermen's income and protect consumers by enhancing the marketability and stability of fishery products and fostering the seafood processing industry through quality control.

D. Ministry of Knowledge Economy

The Ministry of Knowledge Economy (MKE) is mainly responsible for establishing trade policy related to export and imports of goods in general. MKE was designated as the national competent authority for implementation of the Cartagena Protocol on Biosafety (CPB). As such, the Act on Transboundary Movement of Living Modified Organism (LMO Act) and its Presidential Decree and Ministerial Ordinance, regulations to implement the CPB was drafted by MKE and finalized and announced on March 28, 2001, September 30, 2005, and March 10, 2006 respectively. These regulations went into effect on January 1, 2008, which is 90 days after Korea's ratification of the CPB on October 2, 2007. For more information about the CPB, see GAIN Report KS8039.

1. Act on Transboundary Movement, Etc., of Living Modified Organisms (LMO Act)

The purpose of this Act is to implement the Cartagena Protocol on Biosafety and to ensure the safe development, production, importation, exportation, commercialization, etc., of living modified organisms. This Act provides guidance on import approval, mandatory risk assessment, labeling, etc., of living modified organisms (LMO) or GMO commodities. See Attaché Report KS 1029 for an English translation of the Act.

2. Presidential Decree of the LMO Act

This Decree establishes the responsibilities of the relevant government agencies; the procedures for the importation, production, export notification, transit report, etc., of LMOs; procedures for designating the agencies responsible for risk assessments and specialized review agencies; labeling and handling requirements; the creation and operation of a bio-safety clearing house, etc.

3. Ministerial Ordinance of the LMO Act

The purpose of this Ordinance is to stipulate the provisions delegated by the LMO Act and its Presidential Decree and the provisions deemed necessary to implement the Act and Decree. This Ordinance includes document requirements for import approval of LMOs, safety assessments, environmental risk assessments, production approval, etc.

4. Consolidated Notice

This notice provides guidelines for export and import of LMOs for intended for agricultural use, intended for environmental release, intended for food, feed and processing and other use.

Section II. Labeling Requirements

Labeling requirements change frequently and importers must keep abreast of changing regulations. In addition to the following requirements, country of origin labeling is required on food products. Korean language stickers can be applied at the port of entry.

A. General Requirements

In June 1998, KFDA was legally delegated authority for food labeling standards. The KFDA Food Safety Policy Team is responsible for establishing labeling standards for food products. KFDA regional offices inspect labeling of imported food products upon arrival. Provincial government health officials also have the authority to check labeling of both imported and domestic products in the market place.

With the exception of 102 meat, eggs, and dairy products, which are regulated by the MIFAFF, all imported food products are required to be labeled with the necessary information in Korean. Stickers may be used instead of manufacturer-printed Korean language labels for general food products. The sticker should not be easily removable and should not cover the original labeling. For functional food items, however, stickers are not permitted. Manufacturer printed Korean language labels must be used on such products.

Labels should have the following inscriptions printed in letters large enough to be readily legible:

(1) Product Name. The product name should be identical to the product name declared to the licensing/inspection authority.

(2) Product type. This is mandatory for specially designated products, such as teas, health supplementary foods, etc.

(3) Importer's name and address, and the address where products may be returned or exchanged in the event of defects.

(4) Manufacture date (date, month, and year). This is mandatory for specially designated products, such as boxed lunches, sugar, liquor, and salts, frozen dessert (manufacturing month and year for frozen dessert). For liquors, a manufacture number (lot number) or bottling date can substitute for the manufacture date.

(5) Shelf life. Food product labels should indicate the manufacturer-determined shelf life. If various kinds of products are packaged together, the shelf life expiration date of the product with the shortest life should be noted on the label.

(6) Contents. Weight, volume or number of pieces should be indicated. If the number of pieces is shown, the weight or volume must be indicated in parentheses.

(7) Ingredient names and content. Effective September 7, 2006, the names of all ingredients have to be included on the Korean language label. Artificially added purified water and names of ingredients used to make a composite raw ingredient amounting to less than five percent of the product in weight will be excluded from the requirement. In case of a composite raw ingredient amounting to less than five percent of the product by weight, only the name of the composite raw ingredient must be listed on the Korean language label. In the case of a composite raw ingredient amounting to over five percent of the product by weight, the names of all ingredients contained in the composite raw ingredient must be listed on the Korean language label. Ingredients must be listed in order of predominance by

weight, that is, the ingredient that weighs the most is listed first, and the ingredient that weighs the least is listed last. Food additives must also be listed by full name, abbreviated name, or purpose on the label (e.g. Ferric Citrate, FECitrate, or nutrient fortified substance). Food items known to be food allergens must be indicated on the label even if they are added as part of a mix at minimal levels. Food items considered as food allergens include eggs, milk, buckwheat, peanuts, soybeans, wheat, mackerel, crab, shrimp, pork, peaches and tomatoes. Any food product containing one or more of the 12 items listed above as a raw ingredient(s) must indicate so on the Korean language label.

(8) Nutrients. Only designated products are subject to nutritional labeling. Please refer to B. Requirements for Specific to Nutritional Labeling for details.

(9) Other items designated by the detailed labeling standards for food. This includes cautions and standards for use or preservation (e.g., drained weight for canned products, radiation-processed products, etc.).

Categories exempt from labeling requirements

1. Agricultural products such as grains; fishery items, such as whole frozen fish; and fruits, that are not contained in a container or package, etc.
2. Foods, etc., to be used for manufacturing for a company's own use. (Documents that show such intent need to be provided.) In this case, the name of the product, the name of the manufacturer, and manufacture date or shelf life shall be indicated on the original package.
3. Products imported for the purpose of acquisition of foreign currency, under the provisions of Article 34 of the Ministerial Ordinance to the Foreign Trade Act.

The revision, dated September 2006, requires mandatory indication of trans fatty acids as part of nutritional labeling. Products subject to nutritional labeling must indicate the content of trans fatty acids beginning December 1, 2007.

The revision, dated January 2007, introduced a "best before date" for certain food products for which the quality can be maintained as long as products are stored in a proper way. Products include jams, saccharide products (e.g. dextrin, oligosaccharide, fructose), teas, sterilized beverages, sterilized curry products, starch, honey, wheat flour, canned and retort packaged products. Those products can choose either a best before date or a shelf life on the product label.

The revision, dated October 2007, includes some changes in nutritional labeling, criteria for the labeling of trans fatty acids and the addition of shrimp as a food allergen.

The latest revision, dated June 2008, requires mandatory labeling of the manufacturing date for frozen dessert effective January 1, 2009.

Nutritional labeling requirements

These requirements are specified in the Labeling Standards for Food et al. Nutritional labeling is optional for most food products. Labeling must be in Korean and must use Korean nutrient reference values. Products not subject to mandatory nutritional labeling can carry the standard U.S. nutritional fact panel as is. Korea requires nutritional labeling complying with Korean labeling requirements for the following food categories:

1. Special purpose food products
2. In the event that specific nutrients are emphasized (e.g., if a product is labeled as "calcium enriched yogurt," the content of the calcium must be labeled).
3. If nutritional labeling written in Korean is voluntarily included on a product, the label must comply with Korean nutritional labeling requirements.
4. Bread (cake, doughnuts, bread loaf, other bakery goods), noodles, and retort foods
5. Candy, chocolate, confectionary goods such as cookies, biscuits, snacks, jam, beverages

If a product does not fall under one of the above categories, a nutritional label is not required.

An example of a nutritional label is as below:

Nutrition Facts		
Serving size 00 (00 g)		
Total serving size (00g)		
Amount per serving	% daily value	
Calories	000kcal	
Carbohydrate	00g	00%
Sugars	00g	
Protein	00g	00%
Fat	00g	00%
Saturated	00g	00%
Trans fat	00g	
Cholesterol	00mg	00%
Sodium	00mg	00%
* % daily values: percentages of daily reference values		

Korea nutrient reference values are as follows.

Nutrient Reference Values

Nutrients	Values	Nutrients	Values
Carbohydrate (g)	328	Vitamin B2 (mg)	1.2
Dietary fiber	25	Niacin (mg NE)	13
Protein (g)	60	Vitamin B6 (mg)	1.5
Fat (g)	50	Folic acid (µg)	250
Saturated fat (g)	15	Vitamin B12 (µg)	1.0
Cholesterol (mg)	300	Biotin (µg)	30
Sodium (mg)	2,000	Pantothenic acid (mg)	5
Potassium (mg)	3,500	Phosphorus (mg)	700
Vitamin A (µg RE)	700	Iodine (µg)	75
Vitamin C (mg)	100	Magnesium (mg)	220
Calcium (mg)	700	Zinc (mg)	12
Iron (mg)	15	Selenium (µg)	50
Vitamin D (µg)	5	Copper (mg)	1.5
Vitamin E (mga – TE)	10	Manganese (mg)	2.0
Vitamin K (µg)	55	Chrome (µg)	50
Vitamin B1 (mg)	1.0	Molybdenum (µg)	25

Vitamin A, Vitamin D, and Vitamin E must be expressed in the units specified above, but the values in International Units (IU) may be stated in parentheses.

High Caffeine Content Labeling Requirements

The March 7, 2005 revision to the labeling standards for food introduced a “high caffeine content” declaration requirement for food containing high levels of caffeine. Products with artificially added caffeine and liquid products made from raw material containing caffeine where the level of caffeine in the liquid product exceeds 0.15 mg/ml are required to state that the product has “high caffeine content” on the principal display panel. However, this requirement does not apply to products for which “coffee” or “tea” is used as the product name or part of the product name. This requirement was enforced from September 6, 2006.

Functional Food Labeling Requirements

Labeling Standards for Functional Food were established January 31, 2004. In accordance with those standards, a manufacturer’s printed Korean language label must be on the product. It should have the following information, in addition to those required for general food products listed above: 1) functional food to be indicated; 2) information on the efficacy claim; 3) intake directions and cautions; 4) a statement that the product is not a pharmaceutical product that prevents or heals disease; and, 5) other points as required in the detailed labeling guidelines for functional food. The June 2008 edition is the latest revision.

Organic Food Labeling Requirements

These labeling requirements are specified in the Labeling Standards for Food et al. The labeling standards for organic products are:

1. Organic raw materials of imported food products must be equal to or better than the quality standards specified in Article 16, Paragraph 2, of the Environmental Agricultural Promotion Act, and Article 7, Annex 1, of the Enforcement Regulations of the Act.
2. If organic raw materials of imported food products are not subject to the quality standards specified in the above Korean regulations, such products must meet the relevant quality standards of the exporting country.
3. Organic and non-organic agricultural products can not be used in a mixture as one raw material.
4. Raw materials not included on the list of raw materials permitted for use in the manufacture or processing of organic food products (See Section IV) can not be used. In accordance with the Labeling Standards for Food et al., "raw material" is defined as a material, except for purified water purposely applied to the product, that is used for the manufacturing, processing or cooking of food or food additives and that are contained in the final product.
5. Irradiated raw materials can not be used.
6. Genetically modified foods or food additives can not be used or detected.
7. The container or package used for a food may be recycled or made of biodegradable material.
8. The determination as to whether an imported food meets the standards specified in (1) through (7) above may be based on a certificate issued by an organization which satisfies the qualifications to be a certifying entity under the relevant regulations of: A) the exporting country, or B) a reliable organization certified by a recognized international body, such as IFOAM (International Federation of Organic Agricultural Movements).

For such determination, KFDA has completed the review of the U.S. National Organic Program (NOP) and recognized USDA-accredited certifying agents located in the United States as foreign organic certifiers able to issue organic certificates for U.S. imported food products. To date, KFDA has recognized 332 foreign organic certifiers. Of those, 55 are USDA-accredited certifying agents located in the United States.

In 2005, KFDA formalized its zero tolerance policy for biotech components in organic processed products by revising a provision of the "Labeling Standards for Food et al" regulations. The change was implemented by adding the words "or detected" to item 6 of the Organic Labeling Requirements listed above.

Organic Labeling

Labeling may be done in the following manner depending on the content of organic agricultural ingredients in a food product.

1. 100%: when the finished food product does not contain any other food or food additive except for organic agricultural ingredients, the label "100% organic agricultural product" or similar labels may be used.
2. Not less than 95%: when not less than 95 percent of the raw materials contained in the finished food product are organic agricultural ingredients, the term "organic" or similar terms may be used as a part of the product name and stated on the main labeling panel of the container or package; and the name, seal and logo of the organization that certified the organic agricultural produce used in the product, as well as other certification information, may be stated. In this case, the content of the organic agricultural ingredients must be stated in percentage terms on the raw material section of the label.
3. Less than 95% but more than 70%: when 70 percent or more but less than 95 percent of raw materials contained in the finished food product are organic agricultural ingredients, the term "organic" or similar terms may be stated on a labeling surface of the container or package other than the main labeling panel. In this case, the content of the organic agricultural ingredients must be stated in percentage terms on the raw materials section of the label.
4. Others: when a food not included in (1) through (3) above includes organic agricultural products, the term "organic" or similar terms may be used as a part of the names of such ingredients on the raw materials section of the label. In this case, the content of individual organic agricultural ingredients must be stated in percentage terms on the raw materials section of the label.

Documentation Requirements to Qualify for Imported Organic Food Products

The following two documents should be presented to regional offices of the KFDA when submitting an import application for organic food products for import clearance:

1. A copy of an organic certificate issued by the USDA-accredited certifying agent. The certificate must include the following information:
 - (a) Name, address, and phone number of the certifying agent
 - (b) A list of the types of organic food the operation is certified by the certifying agent to produce or process
 - (c) The company name, address, and effective date (or renewal date) of the certification
2. An original ingredient statement (a list of all ingredient names) issued by the manufacturer (only required for organic food products made of mixed ingredients) that includes the office/department/division name, name and signature of the issuer.

Please note that a "transaction certificate" is no longer required for imported organic food products. Contact information for the KFDA teams responsible for labeling is:

For organic labeling
Food Safety Policy Division
Food Headquarters, KFDA
5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone: 82-2-380-1726/27
Fax: 82-2-388-6396

For nutrition labeling
Nutrition Evaluation Team
Nutrition & Functional Food Headquarters
5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone: 82-2-380-1678/80
Fax: 82-2-380-1358

For organic labeling for processed food products, MIAFF introduced a mandatory organic certification program for processed food products in June 2008. According to this new program, all imported processed organic products are required to be certified by MIAFF's new program. Otherwise, no organic claim on the product is permitted. This new program is scheduled to be implemented from June 2009 after one year grace period. However, no details about how to certify imported organic products have been determined nor how KFDA's oversight over imported organic products to be changed is not known. As soon as details are available, post will provide updates in the Attaché report.

B. Labeling Standards for Livestock Products (Administered by MIAFF)

MIAFF also has labeling guidelines for livestock products including meat, dairy and egg products, which are similar to KFDA's labeling guidelines. A person or business that wants to make an import declaration, in accordance with Article 6-1 of the Livestock Processing Control Act, should indicate the relevant information on the livestock product label.

1. According to Article 3 of the Labeling Standards for Livestock Products, the relevant information to be included on the label is:

- (a) Product name
- (b) Type of livestock product (According to the 2006 Revision, all meats must be labeled according to MIAFF's cutting specifications)
- (c) Name and address of company
- (d) Manufacture date – month and year (only certain designated products are required to list this item)
- (e) Shelf life
- (f) Content
- (g) Names of ingredients or raw materials and the percentage content by weight (percentage content is required if any ingredients are used in the product name or as a part of the product name or indicated on the principal display panel)
- (h) Nutritional data (only certain designated products are required to list this item)
- (i) Other items specified in Article 7 of the Labeling Standards for Livestock Products, according to the "Detailed Labeling Standards for Livestock Product et al."

Labels should be in the Korean language and written in ink, engraved or stamped in a manner that cannot be erased. However, registered trademarks in foreign languages (according to the Korean Trademark Law) and Chinese characters can be written next to the Korean writing.

2. Exemption from application: Imported livestock products may be exempt from the requirement to label in the Korean language if the product falls into one of the following categories:

- (a) Carcasses

(b) Large packaged products (bulk type), limited only to raw materials to be repackaged prior to sale

(c) Raw materials for manufacturing processed livestock products (i.e., frozen turkey to be used in manufacturing sausages. In this case, the original foreign label must bear product name, manufacturer's name, shelf life or manufacturing date)

(d) Products permitted to be imported for the purpose of earning foreign currency per the Foreign Trade Management Regulations

Nutritional labeling is required for milk, fermented milk, processed milk, ice cream, milk formula, milk powder and sausages.

The December 2007 revision of the livestock labeling requirements is the latest edition. This revision will require mandatory indication of manufacturing month for ice cream products effective January 1, 2009. The revision also states that the Korean language label sticker should not cover important information indicated on the original foreign label such as ingredients names, shelf life, and product name. Contact information for the NVRQS division responsible for livestock product labeling follows:

Quarantine Inspection Division

Department of Inspection of Livestock Products
National Veterinary Research & Quarantine Service
#480 Anyang 6-dong, Manan-ku, Anyang-shi
Kyunggido, Korea
Phone: 82-31-467-1744/42; Fax: 82-31-467-1717

C. Labeling Regulations for Unprocessed GMO products (Administered by MFAFF)

On April 22, 2000, MFAFF issued final guidelines for the labeling of unprocessed GMO commodities intended to be used for human consumption. Starting March 1, 2001, mandatory labeling went into effect for three unprocessed GMO commodities (soybeans, bean sprouts, and corn) if three percent or more of the shipment contains biotech-enhanced ingredients. In March 2002, MFAFF extended its labeling requirement to include unprocessed GMO potatoes. Effective June 29, 2007, labeling for unprocessed biotech crops was expanded and any unprocessed biotech crops that have been approved by KFDA for human consumption are required to carry "GM Food" label.

Labels must comply with the following:

1. Raw GMO agricultural commodities must be labeled as "Genetically Modified XX (*insert the name of the agricultural product*)."
2. Agricultural commodities containing a GMO component must be labeled as "Containing Genetically Modified XX (*insert the name of the agricultural product*)."
3. Agricultural commodities that possibly may contain a GMO agricultural component (but the importer is not certain) must be labeled as "May contain Genetically Modified XX (*insert the name of the agricultural product*)."
4. Raw unprocessed agricultural commodities that are 100-percent GMO free may be labeled as "Non-GMO" or "GMO Free" on a voluntary basis. Please note that the three percent maximum threshold allowance does not apply to such commodities. Furthermore, usage of

the terms "Non-GMO" or "GMO Free" is limited to products under the purview of MIAFF. KFDA does not encourage such terms to be used for products under its control. (See Attaché Report KS1004 for details.)

5. To be exempt from mandatory GMO labeling, either full IP documentation or a government issued certificate that proves the products in question are non-GMO is necessary.

The National Agricultural Product Quality Management Service (NAQS) is the designated official inspection agency for unprocessed GMO commodities. Since March 2002, NAQS has taken full responsibility for GMO testing of raw biotech crops collected from retail markets.

In April 2007, MIAFF introduced GMO labeling requirements for animal feed. Retail packaged animal feed products are required to carry a "GMO" label on a retail package if the biotech ingredients used in making the animal feed are just like food products. This new requirement has been implemented since October 11, 2007. However, it seems mandatory labeling has had no impact on the trade of biotech feed grains as almost all animal feed products are subject to mandatory GMO labeling.

Contact information for the MIAFF division responsible for unprocessed GMO commodity labeling follows:

Consumer Information and Food Safety Division

Ministry for Food, Agriculture, Forestry, and Fisheries

1 Choongang-dong, Kwacheon City

Kyunggi-do, Korea 427-760

Phone: 82-2-500-1991; Fax: 82-2-503-7277

D. Labeling Standards for Recombinant Food (Administered by KFDA)

In August 2000, KFDA announced the Labeling Standards for Recombinant Food (labeling standards for processed food products containing ingredients enhanced through biotechnology).

Effective July 13, 2001, the KFDA began requiring the labeling of processed food products and unprocessed agricultural food products for further processing that contain corn and soybean ingredients enhanced through biotechnology.

Effective May 14, 2008, KFDA added three more biotech crops to the current product list requiring mandatory GMO labeling. The three crops are cotton, canola, and sugar beets. If these crops are among the top five ingredients in the designated 28 food categories, and a foreign protein or foreign DNA is present in the final product, the processed food product would be subject to GMO labeling. Foods containing refined ingredients derived from these crops, such as cotton and canola oils, and raw sugar are currently exempt from the labeling requirement since a foreign protein or foreign DNA is not present in the finished products.

1. Processed food products shall be labeled when:

- (a) The primary ingredients are soybeans, corn and bean sprouts
- (b) The GM ingredient is one of five major raw materials used in the product.
- (c) Recombinant DNA or foreign proteins are present in the final product.

2. An unprocessed agricultural commodity to be further processed into a food product must be labeled when:

(a) The agricultural commodity is subject to MIAFF biotech labeling requirements because it exceeds the threshold allowance for a GM component.

3. Labels must contain the following terminology:

(a) "Recombinant Food" or "Food Containing Recombinant XX" (e.g., "Food Containing Recombinant Corn") must be used for a food known to contain 100 percent biotech-enhanced ingredients. The text is to be indicated on the principle display panel in such a way that the consumer may easily recognize the label.

(b) "Recombinant" or "Recombinant XX" (e.g., "Recombinant Corn") must be used for a food known to contain a biotech-enhanced ingredient. The text is to be indicated in parentheses beside the name of the GMO ingredient listed as a raw material of the food.

(c) "May contain Recombinant XX" must be used for a product if an exporter or importer is not sure whether it contains a GMO ingredient or not.

4. Colors used to label the recombinant nature of the food shall be clearly distinguishable from the color of the container or package. Indelible ink, a stamp, brand, etc., shall be used so that the consumer may easily find the label.

5. Non-detachable stickers may be used for imported foods or food additives. Indelible ink, stamp or brand, etc., must be used.

6. The terminology "Non-GMO" and "GMO Free" is not encouraged for use on labels of processed foods.

7. No label shall be affixed to the product if the processed food is made using non-GMO ingredients or if one or more of top five major ingredients are non-GMO ingredients. In this case, either full IP documentation or a government issued certificate must be submitted to KFSA. For details about required documents, please refer to GAIN Report KS1046.

8. For U.S. origin processed food products, a notarized self-declaration stating that the products do not contain GMO ingredients is also accepted by KFSA as one of the documents to exempt products from GMO labeling requirements. However, the exporter/importer must submit IP documentation to KFSA in the event that random testing reveals the presence of GMO ingredients.

9. Test certificates: A test certificate issued by a domestic commercial laboratory, foreign government or foreign commercial laboratory is acceptable if it shows no presence of recombinant DNA or foreign protein in the final product. The original test certificate will be submitted to KFSA. KFSA issued official testing methods for GM soybeans, corn, and potatoes in late 2005. Please refer to KS 6064 for details about testing methods. KFSA has also developed a program for designating foreign or domestic laboratories for official GMO testing. To date, eight domestic laboratories have been accredited by KFSA as an official GMO qualitative testing laboratory.

Note: If the test shows a presence of GMO components in any event (such as KFSA's random inspection), then a label must be affixed stating the product contains a GMO component.

10. Stickers "May contain GMO XX (*a name of agricultural product*)": If requirements of (a), (b) or (c) above cannot be met, the importer or exporter must apply a sticker on the product stating "May contain GMO XX." Such stickers can be applied in Korea prior to Customs clearance.

11. Testing in Korea: If the imported product arrives without appropriate documentation, it can be tested in Korea prior to Customs clearance. As noted in item 9 "test certificates" above; however, if the KFDA's random analysis tests positive for GMO components, the product must be labeled that it contains GMOs.

Contact information for the KFDA team responsible for GMO labeling follows:

Bio Food Team

Food Headquarters, KFDA
5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone: 82-2-380-1332/4; Fax: 82-2-358-2157

E. Labeling Regulations for Organic Agricultural Products - Sustainable Agriculture Promotion Act (Administered by MIAFF)

On December 13, 1997, the Sustainable Agriculture Promotion Act was passed. In December 1998, the Presidential Decree and the Ministerial Ordinance of the Act were released with the aim to identify matters covered by the Act and details needed to enforce the Act. The latest revision of the legislation is February of 2008.

Organic produce is classified into three categories for agricultural produce: organic produce, no-pesticide produce, and low-pesticide produce, and can be labeled accordingly. For livestock products, two categories of certification are available; organic livestock and no antibiotic livestock. For imported organic agricultural produce, the product is required to get certification from an official certification agency recognized by MIAFF. To date, MIAFF has officially designated 49 Korean certification agencies. No foreign entities have been designated. Unlike KFDA's labeling regulations for organic processed products, organic agricultural produce complying with the U.S. organic standards or international standards still needs certification from MIAFF's official certification agency to carry a "Korean language organic label" in the Korean market. Also, a foreign language organic label (such as the USDA organic logo or organic claims) for raw unprocessed products is not permitted unless they are certified by MIAFF's certifying agents.

The MIAFF Sustainable Agriculture Team establishes the regulations for organic products. The National Agricultural Products Quality Management Service (NAQS) enforces these regulations.

Sustainable Agriculture Team

Food Grain Policy Bureau, MIAFF
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone: 82-2-500-1957~6
Fax: 82-2-507-2096

Consumer Safety Division

NAQS
310 Choongang-ro, Manan-ku
Anyangshi, Kyunggi-do, Korea
Phone: 82-31-446-0160
Fax: 82-31-446-0903

F. Liquor Labeling (Administered by Korea Tax Administration)

As of October 1, 2002, liquor products must have labels that distinguish liquors for on-premise consumption, for home consumption, for sale in discount stores and for sale in duty-free shops. The on-premise use category does not require a separate label but the remaining three categories do.

1. The classification of usage must be indicated on the main label or supplementary label for imported liquor, and only on the main label for domestic products.
2. Liquors for consumption at home and discount store sale must be marked as "for home use" or "for discount stores" in white against a green or dark blue background. The writing must be printed in a color that can be clearly distinguished from label's main background color. Outlining it with a box is also acceptable.

Liquors for "at home use" and "discount stores" must also have a statement that reads "Not allowed to be sold in restaurants and bars" on the main label or supplementary label.

G. Country of Origin Labeling (COOL) - (Administered by MFAFF)

According to COOL guidelines, many agricultural products, including most imported products, must be labeled by origin. Detailed labeling information is provided in the COOL guidelines. The National Agricultural Product Quality Management Service (NAQS) enforces COOL requirements in the marketplace. As for imported products, the Korea Customs Service (KCS) enforces COOL requirements prior to Customs clearance. In 2006, KCS tightened the enforcement of COOL for meat products. KCS required COOL on inner package of meat products. Either "Made in U.S.A.", "Made in U.S.", or the U.S. mark of inspection (U.S. inspected and passed) is permitted as eligible COOL. For imported fruit such as oranges, bananas, no COOL on individual fruit is required during customs clearance as it meets the criteria where individual label is exempt. Individual label is exempt when the possibility of misunderstanding the country of origin based on the external appearance of the commodity is small.

Consumer Information and Food Safety Team

Agriculture Marketing Policy Bureau, MFAFF

1 Choongang-dong, Kwacheon City

Kyunggi-do, Korea 427-760

Phone: 82-2-500-1997; Fax: 82-2-503-7277

Section III. Packaging and Container Requirements

"Standards & Specifications for Equipment and Container/Packaging" established by KFDA and printed in Chapter 6 of the Korean Food Code, includes general standards for equipment, container and packaging for food products and specifications for individual packaging materials.

The Ministry of Environment announced regulations in 1999 covering PVC shrink wrap packaging, which went into effect January 1, 2001.

Containers or packages that can be recycled must carry a "separation and discharge" sign. In accordance with the Act on the Promotion of Saving and Recycling of Resources, containers or packages that are made using paper, metal, glass, and plastic materials must be marked with a "separation and discharge" sign. The sign is to facilitate the recycling of wastes. The sign should indicate the type of material the package is composed of. For example, PET, HDPE, LDPE, PP, PS, PVC, or Other should be indicated for containers or packaging made of plastic materials. For metals, either iron or aluminum should be indicated. Either a printed label or a sticker label is acceptable. This requirement has been in place since January 1, 2003.

Section IV. Food Additive Regulations

Food Additive Code (Administered by KFDA)

The "Food Additive Code" guides the use of all additives in foods in Korea. As of July 2008, Korea had a positive list of 635 approved food additives. Food additives are grouped into three categories: (a) chemical synthetics, (b) natural additives, and (c) mixture substances. Most additives and/or preservatives are approved and tolerance levels are established on a product-by-product basis in Korea. This creates difficulties as tolerances can vary from product to product. Getting a new additive added to the approved list can be time consuming and troublesome. Even though there may be an established CODEX standard for a given food additive, if that food additive is not registered in the Korean Food Additive Code, or even if it is registered but usage in a certain food product is not specified, use of that food additive in the given food product is prohibited. This means that only food additives registered in the Korean Food Additive Code are allowed for use in food products, in accordance with the usage standards specified in the Food Additive Code.

KFDA posts the Food Additive Code on its English website. The English website is very user friendly, provides names, usage standards, and specifications for all approved additives. To access the Korean Food Additive Code in English, please follow the instructions below:

1. Go to www.kfda.go.kr
2. Click "English" on the top
3. Click "Korea Food Additive code" on the bottom of the left hand side column

For a short cut, go to the following website directly:

<http://fa.kfda.go.kr/foodadditivescode.html>

For registration of new the additives to the Korean Food Additive Code, the "Guidelines for Designation of Food Additives" explains the detailed information that needs to be submitted to KFDA. KFDA's review process usually takes a year or so.

The office responsible for approving food additives is as follows:

Food Additives Team

Nutrition & Functional Food Headquarters

Korea Food & Drug Administration

5 Nokbeon-dong, Eunpyung-ku

Seoul, Korea 122-704

Phone: 82-2-380-1687; Fax: 82-2-354-1399

Section V. Pesticide and Other Contaminants

Three government agencies – the Korea Food & Drug Administration (KFDA), the Ministry for Food, Agriculture, Forestry and Fisheries (MFAFF) and the Ministry of Environment (MOE) – handle pesticide related matters. KFDA regulates pesticide residues in foodstuffs. MFAFF is responsible for registration of pesticide and MOE is responsible for testing pesticide levels in water, soil and agricultural products.

KFDA is responsible for regulating pesticide residues in foodstuffs, in accordance with the maximum residue levels (MRLs) set in the Food Code. As of July 2008, KFDA has set MRLs for 398 pesticides in foods. The MRLs are listed in Appendix 4 & 5 of the Korean Food Code. KFDA provides the latest MRLs both in Korean and English on the Korean website. Anyone who does not read Korean is not able to find the MRLs list since this service is only available on the Korean website at:

[http://www.kfda.go.kr/libs/download.php?av_id=KFDA_FOOD&f_month=200804&savename=005001000_20080422_68_1.hwp&filename=?%20%20%20%20\(2008.4%20%20\).hwp](http://www.kfda.go.kr/libs/download.php?av_id=KFDA_FOOD&f_month=200804&savename=005001000_20080422_68_1.hwp&filename=?%20%20%20%20(2008.4%20%20).hwp)

If an MRL is established in the Food Code for a given agricultural chemical, other tolerance levels, such as CODEX, etc., are not accepted. However, for agricultural chemicals where tolerance levels have not been established in the Korean Food Code, rules described below are applied.

1. The CODEX standards shall apply.
2. If the provision in (1) is not applicable, the lowest of the residue limits of the agricultural chemical in question specified for similar agricultural products shall apply to the agricultural product in which the agricultural chemical is detected (a grouping of similar agricultural products is provided in the Chapter 3 of the Korean Food Code).
3. If provisions in (1) and (2) are not applicable, the lowest of the residue limits of the agricultural chemical for any agricultural crop will apply to the detected agricultural chemical.

For details about regulations for MRLs, please refer to GAIN report KS 4040.

The Rural Development Administration (RDA) under MFAFF is responsible for the registration of pesticides, safety usage standards and notification of pesticides. All pesticides used in Korea should be registered with RDA. A list of all 1,255 registered agrochemical items can be obtained from the Korea Crop Protection Agency (KCPA: www.koreacpa.org). KCPA also has an English publication titled "Pesticide Handbook" that contains item names, trade names, and common names of registered agrochemicals. The registration process can take years. For registration data requirements, please contact the RDA office listed below:

Agricultural Chemical Management Team, Agricultural Resource Division

Research Policy Bureau

Rural Development Administration

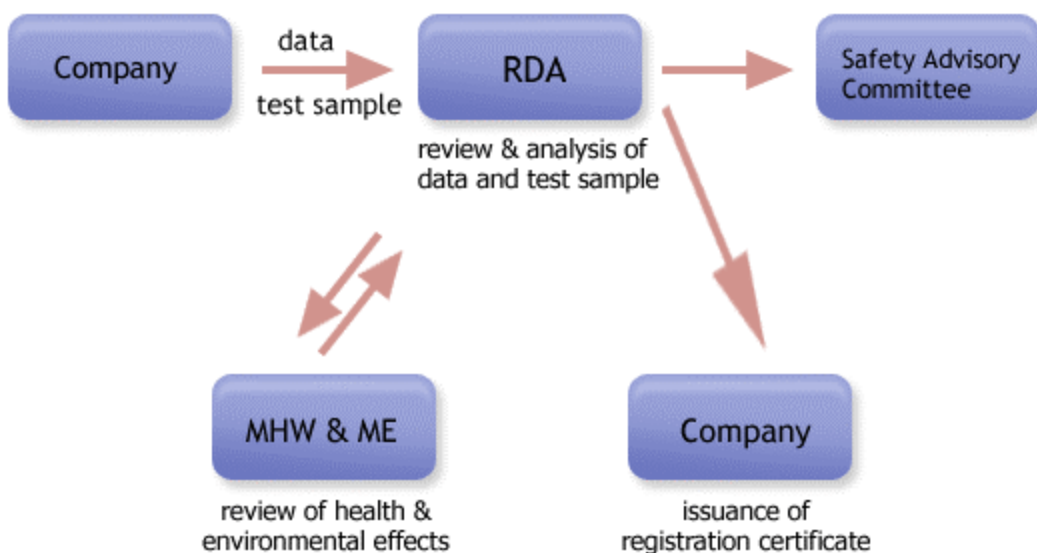
Suin-ro, 150th (250th, Seodun-dong), Gwonseon-gu, Suwon, Gyeonggi-do, Korea

Phone: 82-31-299-2601~2

Fax: 82-31-299-2469

Registration procedures are as follows:

Registration Procedure of Agrochemicals



RDA : Rural Development Administration

MHW : Ministry of Health & Welfare

ME : Ministry of Environment

Source: Korea Crop Protection Association

The Food Code also lists agricultural chemicals, antibiotics, and growth hormones approved for meat products in Appendix 6 & 7 of the Code. It provides a list of permitted agricultural chemicals, antibiotics and hormones and tolerance levels for each. The offices responsible for pesticides and contaminants are as follows.

Pesticide & Veterinary Drug Residues Division, KFDA

5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone: 82-2-380-1673~5
Fax: 82-2-380-1378

Food Contaminants Division, KFDA

5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone) 82-2-380-1670~72
Fax: 82-2-380-1359

Section VI. Other Regulations and Requirements

A. Product Registration & Import Inspection

No product registration is required for importation of food products to Korea. All new to market products are subject to mandatory laboratory testing conducted by the relevant inspection agency. Subsequent shipments of the product that passed the first laboratory testing will be exempt from mandatory laboratory testing. For more details about import inspection, see Section IX. Import Procedures.

B. Sanitary and Phytosanitary Certification Requirements – Animals, Meat, Plant, etc.

Sanitary and phytosanitary certificates issued by the exporting country's inspection authority are required for live animals, plants and meat products, such as beef, pork, poultry, etc. This requirement is in accordance with the Livestock Epidemics Prevention & Control Act, the Plant Protection Act, and the Livestock Processing Control Act.

For the United States, the U.S. Department of Agriculture (USDA), Animal & Plant Health Inspection Service (APHIS), issues sanitary and phytosanitary certificates for live animals and plants, while the USDA, Food Safety & Inspection Service (FSIS), issues health certificates for meat products.

Korean beef importers and U.S. exporters have reached a commercial understanding that, as a transitional measure, only U.S. beef from cattle less than 30-months of age will be shipped to Korea. The USDA, Agricultural Marketing Service (AMS) set up a voluntary Quality System Assessment (QSA) Program to verify that beef from participating plants will be from cattle less than 30 months of age. Exporting establishments may choose to participate in the AMS Quality Systems Assessment (QSA) program that verifies that the beef being certified is from cattle less than 30 months of age. At this time, Korea will not accept at port-of-entry shipments of beef without the QSA program statement in the Remarks section of the FSIS 9060-5 as described in the Documentation section, and Korean quarantine officials will return shipments without the statement to the owner/agent of the product. A list of QSA approved establishments and their approval dates can be obtained from the [AMS website](#).

Korea requires pre-approval of meat facilities, including slaughter plants, processors, and warehouses prior to exporting the product to the Korean market. Pre-approval is facilitated by registration with FSIS and being listed in the FSIS Meat, Poultry Inspection Directory and AMS's website under the QSA program. It is advised that Korean companies wanting to import meat products from the United States first verify that the supplying U.S. facilities are eligible to export to Korea.

The "issuance date" of both health and phytosanitary certificates shall be prior to the "on-board date" listed on the Bill of Lading. The "inspection date" on a certificate must be prior to the departure date. To prevent unnecessary delay at the port of entry, the certificate "issuance date" should be prior to the departure date of shipments.

On December 23, 2003, in response to the finding of one positive case of BSE in Washington State, involving an animal that had been imported from Canada, Korea banned all ruminant animals and their products originating from the United States. To date, only dairy products, hides and skins, semen of ruminant origin, fetal calf serum, porcine gelatin, porcine plasma powder, pet food without any ruminant ingredient in retail packages, tallow with an "insoluble impurity" of 0.15 percent or lower, fish meal produced in a facility dedicated for producing only fish meal, beef from cattle under 30 months of age verified by QSA, gelatin and collagen

originating from hides and skins only, dicalcium phosphates free of protein and fat, and hydrolyzed poultry protein derived from liver and heart can be imported from approved plants. Currently, the United States is working with Korea to expand the list of products eligible to export to Korea.

Current information on which U.S. livestock and poultry products are eligible for export to the Korean market can be found on the website of the USDA, FSIS at http://www.fsis.usda.gov/Regulations_and_Policies/Republic_of_Korea_Requirements/index.asp. This website also provides guidance regarding what documents must accompany livestock product shipments destined for Korea. Information on who, where, and how to contact the U.S. regulatory agency responsible for providing certification information for U.S. food products (such as meat and live animals) is contained in the FAIRS Country Report on the United States. Please refer to the U.S. FAIRS Country Report for details.

C. StarLink Free Certification

In March 2008, KFDA eliminated mandatory requirements for a StarLink free certificate for U.S. origin corn and corn based products. However, KFDA still maintains 100 percent testing of all kernel corn imports (excluding white corn, sweet corn, waxy corn, and popcorn) to confirm the absence of StarLink corn.

D. Bt 10 Free Certification

In March 2008, KFDA eliminated mandatory requirements for a Bt 10 free certificate for U.S. origin corn shipments. However, KFDA still maintains 100 percent testing for all kernel corn imports (excluding white corn, sweet corn, waxy corn, and popcorn) to confirm the absence of Bt 10 corn.

E. LLRice Statement and Test Certification

After the discovery by U.S. authorities of trace amounts of Liberty Link Rice (LLRice) 601 in the U.S. rice supply in August 2006, the Ministry of Agriculture & Forestry requires a statement issued by the USDA/GIPSA about laboratories participating in GIPSA's proficiency program and a non-GMO certificate issued by one of the participating laboratories. In addition to the statement and test certificate requirement, the Korean government instituted multiple testing requirements to verify the absence of all LLRice events in shipments of U.S. rice. After the first test conducted by the laboratory participating in the USDA/GIPSA's Liberty Link Rice Proficiency Program, the Overseas Merchandise Inspection Company (OMIC) will conduct the second test prior to loading. KFDA requires all incoming shipments of U.S. rice to be tested upon arrival and NAQS is conducting monitoring testing after the shipment passes KFDA inspection. Please refer to GAIN Report KS 7044 for details about LLRice testing requirements.

F. Samples

General processed food products are not subject to import requirements as long as they are considered as samples. For sample shipments, the invoice should be marked as having no commercial value. If the volume or the market value is not considered a sample, it will be subject to import requirements. A phytosanitary certificate and a meat export certificate are required for products subject to quarantine inspection even if they are shipped as samples.

G. Monitoring at Retail & Wholesale Levels

KFDA conducts monitoring at retail and wholesale levels for processed food products including processed meat products such as canned meat, while NVRQS/MIFAFF conducts monitoring for non-processed meat products in the retail and wholesale markets. In addition to KFDA and NVRQS/MIFAFF, the municipal government also conducts monitoring for any food products distributed at the retail and wholesale levels.

Section VII. Other Specific Standards

Genetically Modified Organisms (GMOs) caught the public's attention and in particular, that of Korean consumer groups during the second half of 1998. On August 20, 1999, KFDA issued its guideline on the safety evaluation of genetically modified food products and food additives. This guideline, which established safety evaluation requirements and procedures for the approval of recombinant foods and food additives, in accordance with Article 4, Paragraph 2 of the Food Sanitation Act, was revised September 1, 2003. The revision mandates safety evaluations. Thus, foods and food additives developed through recombinant DNA techniques shall be distributed commercially only after the KFDA Commissioner confirms that such foods and food additives pose no health risk to humans. On February 27, 2004, KFDA began to require mandatory safety evaluations for soybeans, corn, and potatoes and for all other biotech crops. In accordance with the KFDA guideline and the Food Sanitation Act, any product containing biotech ingredients that have not completed the safety evaluation cannot be sold in Korea. To date, 54 events – roundup ready soybeans, 28 corn events, 13 cotton events, six canola events, four potato events, and one sugar beet and one alfalfa event – have passed KFDA's safety evaluations conducted according to this guideline.

On May 4, 2001, MFAFF released the draft guidelines for environmental risk assessments (ERAs) of biotech crops used for food, feed and seed. MFAFF finalized these guidelines on January 9, 2002 and operated environmental risk assessments of biotech crops on a voluntary basis. Beginning January 1, 2008, ERAs became mandatory for biotech crops including LMOs for food, feed and processing as MKE's LMO Act went into effect. To date, 44 biotech events have completed ERAs.

For more details about Korea's regulations and situation pertinent to biotechnology, please refer to Attaché report KS 8039.

On March 5, 2002, the Korean Fair Trade Commission (FTC) announced new advertisement requirements for food containing a biotech-enhanced ingredient effective July 1, 2002. The FTC, in its revision of the "Notification of Principle Information on Labeling & Advertisement" guideline, defines the "presence" of a biotech component as principal information that must be provided in an advertisement for any food product that MFAFF or KFDA requires to be labeled as biotech-enhanced foods. According to FTC's advertisement notification rules, anyone who manufactures or sells biotech-enhanced foods, and advertises such products in one of the identified forms below, needs to indicate the presence of the biotech component:

1. Newspapers or magazines;
2. T.V. commercials (when its running time is greater than two minutes); and,
3. Cable T.V. commercials.

The pertinent indication must be made as follows:

1. "Contains biotech-enhanced food" when the presence of a biotech-enhanced component is certain;
2. "May contain biotech-enhanced food" when the presence of a biotech-enhanced component is uncertain.

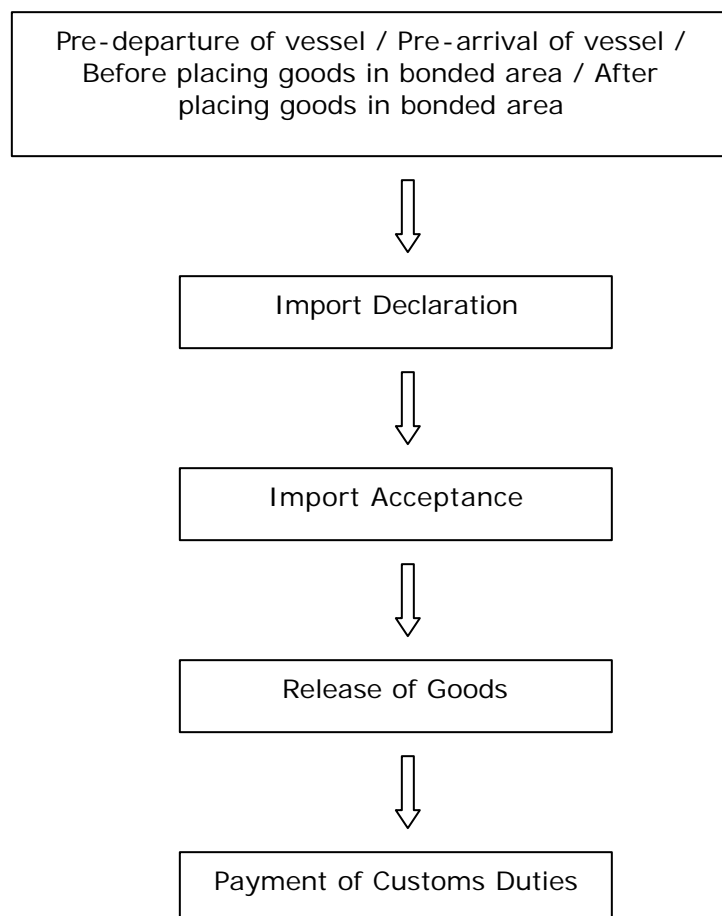
Section VIII. Copyright and/or Trademark Laws

The Korea Industrial Property Office is responsible for registration of trademarks and for review of petitions related to trademark registration. In accordance with the Trademark Law, the trademark registration system in Korea is based on a “first-to-file” principle. A person who registers a trademark first has a preferential right to that trademark and Korean law protects the person who has the right over the trademark. To prevent trademark disputes, U.S. companies considering conducting business in Korea are encouraged to register their trademarks prior to beginning their business operations.

Section IX. Import Procedures

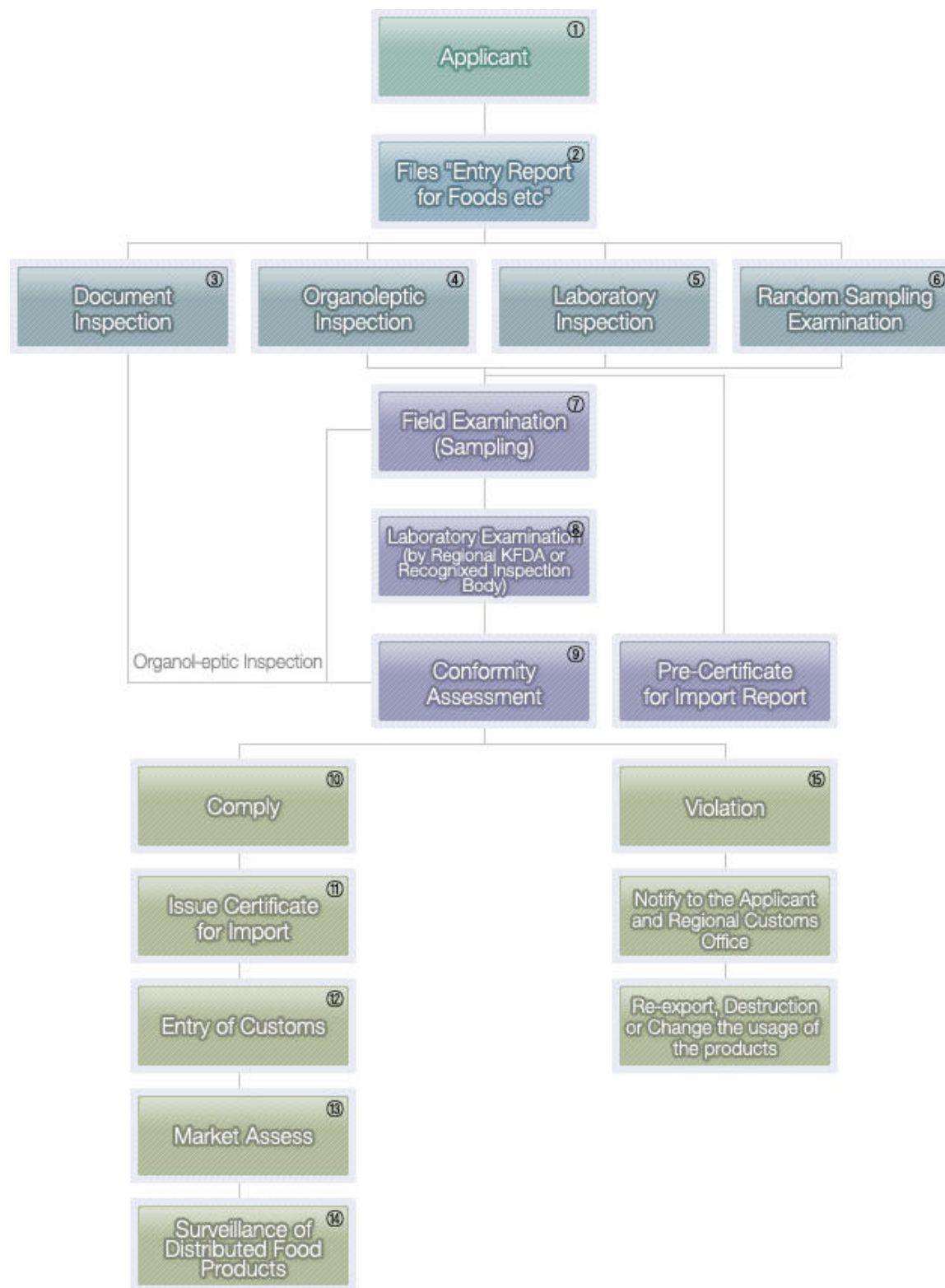
The Korea Customs Service (KCS), KFDA, the National Quarantine Office (for ports that do not have KFDA regional offices), the National Veterinary Research & Quarantine Service, and the National Plant Quarantine Service are the agencies involved in the import clearance process. Imports of agricultural products generally must receive clearance from several agencies and are, thus, more likely to encounter port delays than other imported products. Delays can be costly due to the perishable nature of many agricultural products. In addition, other entities may be involved in regulating imports through the administration of licenses or, in some cases, quotas for agricultural products. KCS is responsible for ensuring that all necessary documentation is in place before the product is released from the bonded area. KCS operates the Electronic Data Interchange (EDI) system, and KFDA operates the imported food network system through its regional and national quarantine offices. The KFDA network system is connected to the EDI system, which permits KFDA inspection results to be transmitted more quickly, thus shortening KCS clearance time. The respective quarantine inspection authorities must clear products subject to plant or animal quarantine inspection before KCS will clear them. The import inspection application must be written in Korean and submitted to the relevant agency.

KCS Import Clearance Procedures



Source: Korea Customs Service

KFDA Import Procedures



Source: Korea Food & Drug Administration

1. The importer or the importer's representative submits the "Import Declaration for Food, etc."
2. The type of inspection to be conducted is determined in accordance with the guidelines for inspection of imported food products. The types of inspection that a given food product may be subject to include: document inspection, organoleptic inspection, laboratory inspection, and random sampling examination.
3. If a product is subject to organoleptic inspection, laboratory inspection and random sampling examination, the KFDA inspector will conduct a field examination and take samples for the laboratory test.
4. KFDA conducts the conformity assessment from the information collected, using such items as test results, document inspection results, etc.
5. If a product complies with the Korean standards, KFDA issues a certificate for import. An importer can clear products with the KFDA import certificate.
6. If a product does not comply with the Korean standards, KFDA will notify the applicant and the regional customs office about the nature of the violation. The importer decides whether to destroy the product, return the shipment to the exporting country, or use it for non-edible purposes. If a minor violation can be corrected, as with labels, the importer can reapply for inspection after making the corrections.

For perishable agricultural products, such as fresh vegetable, fruits, etc., an importer can clear the products prior to completion of the laboratory test with a pre-certification authorization from KFDA. In this case, however, the importer needs to be able to track distribution of the given product so the products can be recalled should the laboratory test indicate a violation.

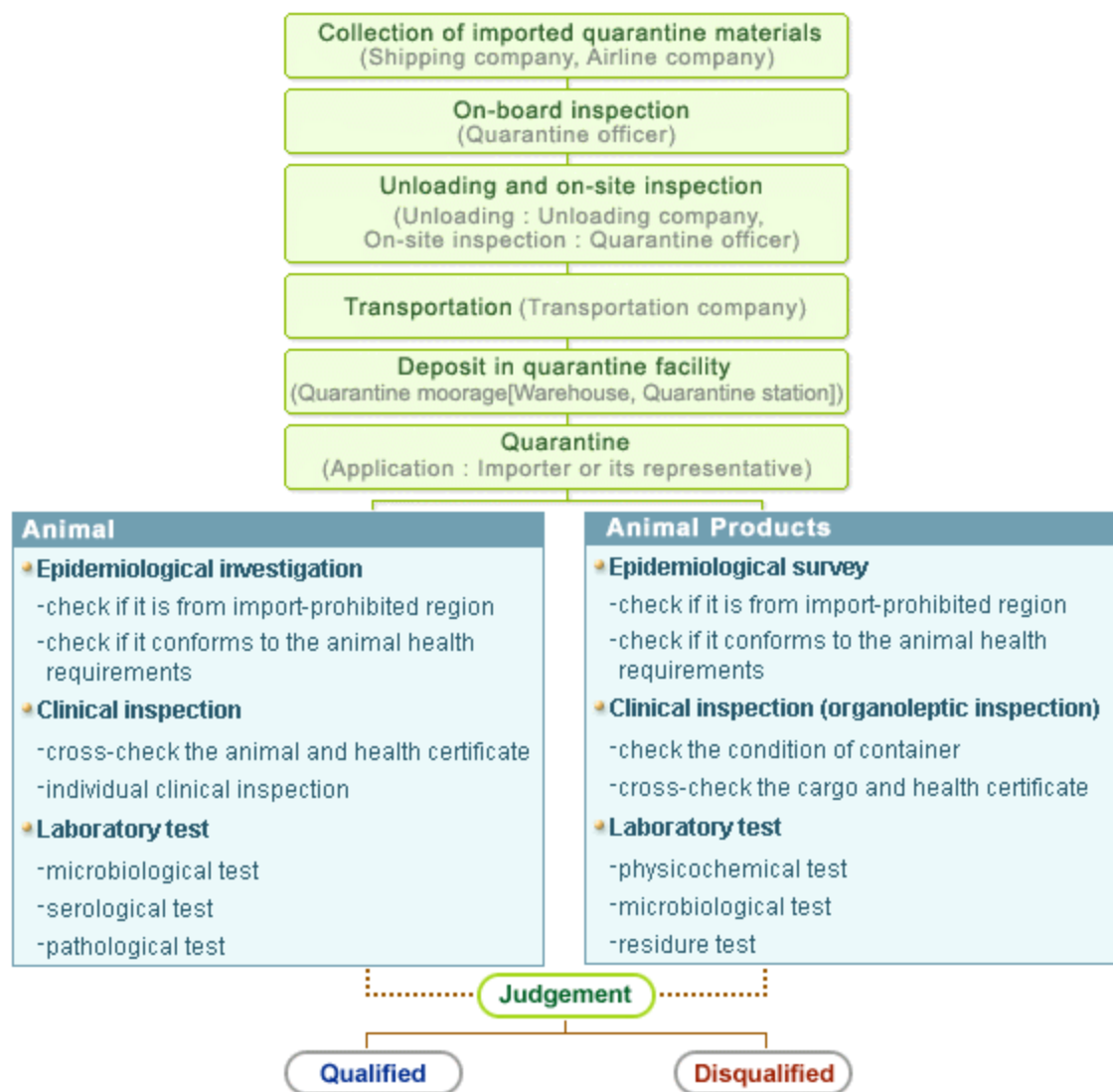
KFDA Inspection Duration

Document Inspection	2 days
Visual Inspection	3 days
Laboratory Inspection	10 days
Incubation Test	14 days
Random Inspection	5 days

NVRQS Inspection Procedures

Meat, dairy and egg products are subject to quarantine inspection and the quarantine certificate issued by the National Veterinary Research & Quarantine Service (NVRQS) is required for product clearance. NVRQS quarantine inspection procedures are as follows:

NVRQS Quarantine Inspection Procedures



Source: National Veterinary Research & Quarantine Service

NVRQS Inspection Duration:

Document Inspection	3 days
Visual Inspection	5 days
Laboratory Inspection	18 days
Incubation Test	18 days

NPQS Inspection

Plant products, including fresh vegetable and fruit and grains are subject to plant quarantine inspection, in addition to food inspection by KFDA. The plant quarantine certificate issued by the National Plant Quarantine Service (NPQS) and the KFDA certificate are required for product clearance. Inspection by NPQS can take place simultaneously with the KFDA inspection. NPQS quarantine inspection procedures are found on the below website:

http://www.npqs.go.kr/homepage/foreign/english/e_03.asp#1

Duration of NPQS inspection is usually completed within 10 days unless items are subject to further testing.

On May 15, 2000, KFDA issued a revision to the Guideline for Inspection of Imported Food Products adding a clause setting limits on the minimum amount of the initial commercial shipment that it would inspect directly. When the quantity of the imported food is less than 100 kg, the imported food will be inspected by a KFDA-recognized inspection organization – other than the regional KFDA office or National Quarantine Services. Importers will be responsible for charges associated with import inspection. Detailed information is available from the KFDA's website: <http://www.kfda.go.kr>.

On August 5, 2005, KFDA announced a revision of the Guideline for Inspection of Imported Food Products. The revision lists agriculture and food products that are exempt from mandatory laboratory testing on the grounds that the listed products have not had any violations for the past five years. Food products with no record of violations resulting from past lab tests, and recognized by the KFDA Commissioner as safe, became subject to a document inspection only. The U.S. origin products covered under the regulations include: oranges, lemons, wheat, cherries, grapefruit, table grapes, frozen cod, frozen cod roe, frozen and chilled monkfish, biscuits, roasted coffee, and vegetable cream.

Appendix I. Government Regulatory Agency Contacts

I. PRIMARY KOREAN FOOD AGENCIES

a. Ministry for Food, Agriculture, Forestry and Fisheries: Overall agricultural policy
[Bilateral Cooperation Division](#)

MIFAFF

1 Choongang-dong, Kwacheon City

Kyunggi-do, Korea 427-760

Phone: 82-2-500-1726 or 1727; Fax: 82-2-504-6659

<http://www.mifaff.go.kr>

b. Korea Food & Drug Administration: Processed food products

International Trade & Cooperation Team

KFDA# 5 Nokbeon-dong, Eunpyung-ku

Seoul, Korea 122-704

Phone: 82-2-380-1661 or 1662; Fax: 82-2-356-2893

E-mail: wtokfda@kfda.go.kr

<http://www.kfda.go.kr>

c. National Veterinary Research & Quarantine Service: Animal, meat, dairy and egg products
Quarantine Inspection Division

NVRQS

480 Anyang 6-dong, Manan-gu, Anyang City

Kyunggi-do, Korea 430-824

Phone: 82-31-467-1905; Fax: 82-31-467-1717

<http://www.nvrqs.go.kr>

d. National Plant Quarantine Service: Plant, vegetable, fruit, and grains
International Quarantine Cooperation Division

NPQS

433-1 Anyang 6-dong, Manan-gu, Anyang City

Kyunggi-do, Korea 430-016

Phone: 82-31-446-1926; Fax: 82-31-445-6934

<http://www.npqqs.go.kr>

II. WORLD TRADE ORGANIZATION (WTO) Enquiry Point

Names of the SPS Enquiry Point are as follows;

Animal or plant health or zoonosis (including aquatic animals)

Bilateral Cooperation Division

International Agriculture Bureau

Ministry for Food, Agriculture, Forestry and Fisheries

1 Choongang-dong, Kwacheon City

Kyunggi-do, Korea 427-760

Phone: 82-2-500-1877; Fax: 82-2-504-6659

Food Safety

Trade Cooperation Office

Ministry for Health, Welfare, and Family Affairs

75 Yulgong-ro, Jongno-gu, Seoul, Korea

Phone: 82-2- 2023-7250; Fax: 82-2-2023-7240

International Trade & Cooperation Team
Korea Food & Drug Administration
5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone: 82-2-380-1661 or 1662; Fax: 82-2-356-2893
E-mail: wtokfda@kfda.go.kr

Aquatic Animal Health and Sanitation

Bilateral Cooperation Division
International Agriculture Bureau
Ministry for Food, Agriculture, Forestry and Fisheries
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone: 82-2-500-1877; Fax: 82-2-504-6659

III. WEBSITES FOR OTHER IMPORTANT AGENCIES

- a. Ministry of Environment: <http://www.me.go.kr>
- b. Ministry of Knowledge Economy: <http://www.mke.go.kr>
- c. Rural Development Administration: <http://www.rda.go.kr>
- d. National Agricultural Product Quality Management Service: <http://www.naqs.go.kr>
- e. Korea Forestry Administration: <http://www.foa.go.kr>
- f. Korea Rural Economic Institute: <http://www.krei.re.kr>
- g. Korea Industrial Property Office: <http://www.kipo.go.kr>

Appendix II. Other Import Specialist Contacts

I. U.S. LABORATORIES ACCREDITED BY THE KOREAN GOVERNMENT (KFDA)

KFDA operates a program that recognizes foreign laboratories as official testing laboratories. This program aims to enhance the efficiency of conducting inspection of imported foods. KFDA authorizes foreign laboratories and recognizes inspection certificates or certificates of laboratory test results issued by these authorized laboratories. As of now, there are two U.S. laboratories that have been authorized by KFDA. They are:

Oregon Department of Agriculture Export Service Center

1200 N.W. Naito Parkway, Suite 204
Portland, Oregon 97209-2835
Tel: 503-872-6644; Fax: 503-872-6615
E-mail: esc-food@oda.state.or.us

Authorized for food-related testing, such as residue and microbiological testing on food and beverages, food package, and health functional food, which are bound for Korea

Omic USA Inc.

Mr. Ryuichi Kurosawa, President
1200 N.W. Naito Parkway
Portland, Oregon 97209
Tel: 503-224-5929; Fax: 503-223-9436

Authorized for food-related testing, such as residue and microbiological testing on food, beverages, and health functional food, which are bound for Korea

A certificate of inspection from these labs expedites clearance inspections at port of entry in Korea as KFDA recognizes testing results conducted by the labs. It will minimize the chances of product rejection upon arrival.

II. Korean Laboratories Accredited by KFDA

Total 16 laboratories have been accredited by KFDA for testing of imported food products. A list of laboratories is as below:

No.	Name	Web Address	Accredited Testing
1	Korea Advanced Food Research Institute	www.kafri.or.kr	Food, Health functional food, and qualitative GMO testing
2	Korea Health Industry Development Institute	www.khidi.or.kr	Food & Health functional food
3	Korea Advanced Food Research Institute – Busan Branch	www.kafri.or.kr	Food & Health functional food
4	Korea Food Research Institute	www.kfri.re.kr	Food & Health functional food
5	Korea Basic Science Institute – Seoul Center	www.kbsi.re.kr	Dioxin
6	Korea Testing Laboratory	www.ktl.re.kr	Dioxin
7	Science Lab Center	www.sclab.co.kr	Qualitative GMO testing
8	Jeonbuk Bioindustry	www.jbdi.or.kr	Qualitative GMO

	Development Institute		testing
9	Korea Research Institute of Analytical Technology	www.anapex.com	Food & Health functional food
10	Korea Health Supplement Institute	www.khsi.re.kr	Food & Health functional food
11	Chonbuk University Chemical Safety Management Research Center	#1 ga, Dukjin-dong, Jeonju city, Chonbuk Province Tel: 82-63-270-2448 Fax: 82-63-270-2449	Dioxin
12	Kogene Biotech	www.kogene.co.kr	Qualitative GMO testing
13	Takara Korea Biomedical	www.kgac.co.kr	Qualitative GMO testing
14	Korea Institute of Health Promotion	www.kaup.or.kr	Parasite eggs in food
15	SGS Testing Korea	www.kr.sgs.com/kr	Qualitative GMO testing
16	Nexgen Associates	www.nexgens.com	Qualitative GMO testing
17	JPNC	www.jnc.co.kr	Qualitative GMO testing